



## CONCLUSION

The appellant passed the obstacle course and ladder climb sections of the PPT. Although he calls his appeal of the test administration of those portions a validity appeal, they are administration issues. *N.J.A.C. 4A:4-6.4(c)*, states that a candidate wishing to challenge the manner in which the examination was administered may file an appeal in writing at the examination site on the day of the examination. As such, any appeal regarding those two portions is untimely, and also, they are moot, as the appellant passed those portions of the examination.

A review of the merits of this appeal shows that appellant is not entitled to any further relief. The Civil Service Commission makes every effort to insure that test administration is as uniform as possible for all candidates. Instructions are given verbally, but they were also given in a video shown to all candidates prior to the administration of the exam, and in the Fire Fighter Physical Performance Test Physical Fitness Manual. The instructions available for the darkened maze crawl in the Fitness Manual, on page 8, state, "The candidate is shown the layout of the maze before entering. The darkened maze is 40 feet long with several turns. There are curtains along the interior of the course, and minor obstacles on the floor. The candidate enters one end of the maze to the 'Start' position (at the first curtain), stops, and waits for the Examiner to give the command, 'Ready – Go.' The candidate then proceeds to the far side exit." The Center Supervisor takes notes on the issues that happen at the test center. In this case, the Center Supervisor indicated that the appellant stated to him that he became disoriented and let his hand get too high off of the wood and he lost it. The monitor indicated that the appellant got turned around and almost came out of the entrance as well. The appellant then attempted to talk the Center Supervisor into allowing him to redo the maze, and filed an appeal when he was denied. In his original appeal, the appellant did not state that he was given incorrect instructions, but that he missed the first turned because he thought the board had ended. Candidates are given these instructions multiple times to ensure that they comply with the testing requirements. A review of these circumstances indicates that, rather than not receiving the proper instructions, the appellant did not follow instructions. The examination was administered to the appellant in the same manner as it was administered to all other candidates, and the situation does not warrant a retest.

As to the administrative of the ladder climb and the obstacle course, aside from being moot and untimely, there is no merit to the appellant's claims. For the ladder climb, a monitor would not tell the candidate that touching the tape with his hand was sufficient. Both the Physical Fitness Manual and video both indicate that it must be touched with the foot, and every monitor knows this. For the obstacle course, an instructor is holding the scansion pipe as it cannot be drilled into the ground as it was in Newark. The candidate may have over powered the monitor by throwing the hose high on the pole and getting leverage on the monitor. However, if this happens,

the monitor steps aside and lets the candidate proceed freely. No candidate was told to drop the hose before crossing the red line and proceeding to the extinguisher.

A thorough review of the record indicates that the administration of the subject examination was proper and consistent with Civil Service Commission regulations, and that appellant has not met his burden of proof in this matter.

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 14<sup>th</sup> DAY OF AUGUST, 2019



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